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Health and Safety Code
Division 104. Environmental Health
Part 12. Drinking Water
Chapter 5. Water Equipment and Control
Article 3. Water Treatment Devices

Section 116825. Definitions

Unless the context otherwise requires, the following definitions shall govern construction of this article:

(a) "Water treatment device" means any point of use or point of entry instrument or contrivance sold or offered for rental or lease for residential use, and designed to be added to the plumbing system, or used without being connected to the plumbing of a water supply intended for human consumption in order to improve the water supply by any means, including, but not limited to, filtration, distillation, adsorption, ion exchange, reverse osmosis, or other treatment. "Water treatment device" does not include any device that is regulated pursuant to Article 12 (commencing with Section 111070) of Chapter 5 of Part 5.

(b) "Department" means the Department of Health Services.

(c) "Person" means any individual, firm, corporation, or association, or any employee or agent thereof.

(d) "Contaminants" means any health-related physical, chemical, biological, or radiological substance or matter in water.

Section 116830. Authority for regulations

(a) The department shall adopt regulations setting forth the criteria and procedures for certification of water treatment devices that are claimed to affect the health or safety of drinking water. The regulations shall include appropriate testing protocols and procedures to determine the performance of water treatment devices in reducing specific contaminants from public or private domestic water supplies. The regulations may adopt, by reference, the testing procedures and standards of one or more independent testing organizations if the department determines that the procedures and standards are adequate to meet the requirements of this section. The regulations may specify any testing organization that the department has designated to conduct the testing of water treatment devices.

(b) The regulations required by subdivision (a) shall include minimum standards for the following:

- (1) Performance requirements.
- (2) Types of tests to be performed.
- (3) Types of allowable materials.
- (4) Design and construction.
- (5) Instruction and information requirements, including operational, maintenance, replacement, and estimated cost of these items.

(6) Any additional requirements, not inconsistent with this article, as may be necessary to carry out this article.

(c) The department or any testing organization designated by the department pursuant to this section may agree to evaluate test data on a water treatment device offered by the manufacturer of the water treatment device, in lieu of the requirements of this section, if the department or the testing organization determines that the testing procedures and standards used to develop the data are adequate to meet the requirements of this section.

Section 116835. Health claims – certification requirement

(a) No water treatment device that makes product performance claims or product benefit claims that the device affects health or the safety of drinking water, shall be sold or otherwise distributed that has not been certified by the department or by another entity in accordance with subdivision (b). Water treatment devices not offered for sale or distribution based on claims of improvement in the healthfulness of drinking water need not be certified pursuant to this section.

(b) The department may accept a water treatment device certification issued by an agency of another state, by an independent testing organization, or by the federal government in lieu of its own, if the department determines that certification program meets the requirements of this article.

(c) A water treatment device initially installed prior to the operative date of this section shall not require certification pursuant to Section 116830.

(d) Subdivisions (a), (b), and (c) shall become operative one year after the effective date of the regulations adopted pursuant to Section 116830. Regulations adopted pursuant to that section shall be transmitted to the Legislature upon adoption.

Section 116840. Enforcement

(a) The department, or any local health officer with the concurrence of the department, shall enforce this article.

(b) The department may suspend, revoke, or deny a certificate upon its determination of either of the following:

(1) That the water treatment device does not perform in accordance with the claims made under the standard.

(2) That the manufacturer, or any employee or agent thereof, has violated this article, any regulation adopted pursuant to this article, or Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.

(c) Any person, corporation, firm, partnership, joint stock company, or any other association or organization that violates any provision of this article shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of the conduct is a separate and distinct violation. The civil penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

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(d) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalties collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

(e) Unless otherwise provided, the remedies or penalties provided by this article are cumulative to each other and to remedies or penalties available under all other laws of this state.

Section 116845. List of devices

The department shall publish a list of water treatment devices certified under this article, including the specific standard under which the device is certified.

Section 116850. Fees

The department shall charge and collect a fee for each certificate applied for which shall be an amount reasonably necessary to produce sufficient revenue to effectively implement this article.

Section 116855. Consultation

In developing regulations pursuant to this article, the department shall seek the consultation of representatives from the industry regulated under the article, from drinking water purveyors, and from persons with expertise and experience in promoting public health.

Section 116860. Water Device Certification Special Account

There is in the State Treasury the Water Device Certification Special Account. Fees collected pursuant to Section 116850 shall be deposited in the account created by this section.

Section 116865. Implementation funding

The Director of Finance may authorize the department to borrow up to two hundred thousand dollars (\$200,000) for the purpose of implementing this article from any fund or account deemed appropriate by the Director of Finance. The department shall repay the loan with interest to be determined in accordance with Section 16314 of the Government Code.

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